

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 28 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

OREGON NATURAL DESERT
ASSOCIATION,

Plaintiff-Appellant,

v.

JEFF ROSE, Burns District Manager, BLM;
et al.,

Defendants-Appellees,

and

HARNEY COUNTY,

Intervenor-Defendant-
Appellee.

No. 18-35258

D.C. No. 3:09-cv-00369-PK
District of Oregon,
Portland

ORDER

OREGON NATURAL DESERT
ASSOCIATION,

Plaintiff-Appellee,

v.

JEFF ROSE, Burns District Manager, BLM;
et al.,

Defendants-Appellees,

HARNEY COUNTY,

No. 18-35282

D.C. No. 3:09-cv-00369-PK

Intervenor-Defendant- Appellant.

Before: CANBY and RAWLINSON, Circuit Judges.

Oregon Natural Desert Association's urgent motion for an injunction pending appeal is granted in part (Docket Entry No. 15). *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-32 (9th Cir. 2011).

The injunction described in the district court's August 25, 2011 opinion and order (District Court Docket Entry No. 160), as modified and clarified in subsequent orders (District Court Docket Entry Nos. 175, 197, 198, and 238), shall be in effect pending resolution of these cross-appeals or until further order of this court.

This order is without prejudice to application by the Bureau of Land Management to this court for modification of this injunction for particular instances of extraordinary need of specific maintenance.

The court sua sponte expedites these appeals.

Oregon Natural Desert Association shall file its opening brief (first brief on cross appeal) on or before August 24, 2018. The County's opening/answering brief (second brief on cross appeal) is due September 24, 2018. The Government's answering brief in both appeals (second brief on cross appeal) is due October 25,

2018. Oregon Natural Desert Association's answering/reply brief (third brief on cross appeal) is due November 15, 2018. The County's reply brief is due December 6, 2018.

No streamlined extensions will be approved under Ninth Circuit Rule 31-2.2(a). No written motions for extensions of time under Ninth Circuit Rule 31-2.2(b) will be granted absent extraordinary and compelling circumstances.

The Clerk shall place these appeals on the first available calendar upon completion of briefing.